

REMARKS

**1. Last Office Action mailed 2001, March 16 has been carefully perused. It is the purpose of the present response to draw the Examiner's attention where the original specification does support what the Examiner thinks it might be "new matter".**

On the other hand, the amendments, which are proposed in the present response, are only for formal reasons. Some are just for correcting an evident inversion of the word "hole" and the phrase "of said at" in the penultimate line of claim 2 and a manifest overlooking of 5 in the numbering of the sections of the specification. And the other ones are simply for arranging a few phrases at the end of claim 16 so as to eliminate any confusion in its reading. So the Examiner can be quite sure that not any new matter will be added to the drawings, specification or claims with this amendment.

**2. OA issues #2 to 4**

Regarding the drawings, new figures 12-13 have been introduced upon the request of the Examiner (see paper 56, OA mailed 07/28/99) to show what is disclosed in the original specification from page 29, line 10 to page 30, line 7 and accordingly the features recited in claims 12-14. As it was already stated in the answer of applicant dated 1999, October 27 to Office Action mailed 1999, July 28, the disclosure in the original specification from page 29, line 10 to page 30, line 7 supports the features recited in claims 12-14. This disclosure can be found in the proposed substitute specification (clean version) page 14, lines 3-25, and these lines are followed by the consistent comments upon new figures 12-13 (same page, lines 25-28).

And new figure 14 has been introduced upon the request of the Examiner (see paper 56, OA mailed 07/28/99) to show what is disclosed in the original specification from page 22, line 19 to page 23, line 2 and accordingly the features recited in claim 15. In fact, the disclosure in the original specification from page 22, line 19 to page 23, line 2 supports the features recited in claim 15. This disclosure can be found in the proposed substitute specification (clean version) from page 10, line 40 to page 11, line 5 and the consistent comments about new figure 14 can be found page 14, lines 29-31).

So the original disclosure supports the showing of the clamping mechanisms as shown in proposed new figures 12-14 and also the features recited in claims 12-15. Hence favorable reconsideration of proposed figures 1-14 is petitioned with deference.

**3. OA issue #5**

Mention of lines 4-7 of page 1 in marked-up copy of the proposed substitute specification as new matter by the Examiner is surprising for applicant. It is just a copyright claiming for the drawings, which is introduced in accordance with 37 CFR 1.71 (d) and with 37 CFR 1.84 (s). Applicant would be indebted to the

Examiner for telling why this claiming would be improper.

The original disclosure supporting the three last lines of page 8 of the marked-up copy of the proposed substitute specification, including “[T]hus it is possible to press against a surface very far from its edges, provided the auxiliary bar would be large enough” can be found in the original specification page 13, lines 19-23, where it can be read “The assembler can go as to exert a pressure whatever is the distance from the edge of a large surface, possibly plane, convex, concave or tortured. It is sufficient that the auxiliary bar follows the outlines of the surface, be long enough and positioned in the good direction.” In the original specification page 13, lines 19-23, “long” was used instead of “large” because it was confusingly selected among two possible translations in English, long and large, of the original French word “longue”. The sentence “It is sufficient that the auxiliary bar follows the outlines of the surface, be long enough and positioned in the good direction” issues from the translation into English of the French sentence “Il suffit que la barre auxiliaire suive les contours de la surface, soit suffisamment longue et orientée dans la bonne direction.”. This French sentence can be found page 13, lines 18-20 in the original French specification (the PCT specification) of which the original specification before the U.S. PTO is the translation.

The original disclosure supporting the last four lines of page 9 and the first four lines of page 10 of the marked-up copy of the proposed substitute specification, including “[T]he force exerted by fingers or hand-palms...” can be found in the original specification from page 24, line 18 to page 25, line 2 and also in part page 7, lines 23-31. It can be noted than the passage “it tilts with respect to said support part, such that a frictional force is created between said support part and an interior surface of the transverse hole of said arm, thereby locking said arm in place with respect to said support part.” has been introduced in consistency with what the Examiner suggested in paper 56 for rewriting claims 1, 2 and 16. Anyway, it does not bring any new matter. It simply explains how all clamps comprising movable parts along a cylindrical support part, including all known clamps of this type, have their movable parts locking by tilting with respect to the support part: a frictional force is created between said support part and each movable arm. In the same way it is not necessary to describe in details how a bicycle works when an improvement of a bicycle is discussed in a patent, it is no new matter at all to specify what it is known. What is new in the present invention does not lie in the creation of this frictional force.

The original disclosure supporting the brief description of figures 12-14 at the end of page 10 and the beginning of page 11 of the marked-up copy of the proposed substitute specification is exactly the one which has been set forth in section 2 above apropos OA issues #2 to 4.

The original disclosure supporting lines 37-38 of page 11 of the marked-up copy of the proposed substitute specification, including “which has a protuberance that is thrust into a hole” lies in the French word “picot” of line 7 of page 21 in the original French specification. This French word “picot” was first translated a priori wrongly into “spike” upon the proposal of a French-English dictionary. But

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telling in French that an obturator is fixed by a "picot" (on said movable part) means that this "picot" is something provided with a (implicitly resilient) protuberance which has been forced or thrust into a hole so as to remain fastened to this hole. Very often each foot of a metal desk have its base provided with a rubber buffer, which is fixed to the bottom of the base by a "picot" forced into a hole made in this bottom. And neither Merriam-Webster nor the Heritage all-American English dictionaries give to "spike" this meaning. So by lack of a good American English word for translating the French word "picot", it has been decided to replace "spike" by the English meaning of "picot" in its context. If the Examiner sees what good American word could be used to translate properly the French word "picot" according to this meaning, applicant thanks him in advance for any constructive suggestion pursuant to M.P.E.P. §707.07 (j).

The original disclosure which support replacing "cradle-stirrup" by "shackle" at line 12 of page 12 of the marked-up copy of the proposed substitute specification, lies in the French word "étrier" of line 1 of page 22 in the original French specification. This French word "étrier" was first translated a priori wrongly into "stirrup" (see line 23 of page 22 of the original specification before the PTO) upon the proposal of a French-English dictionary. In fact, "stirrup" is only one of the two main meanings of the French word "étrier". It is the "étrier" of the riders. The other main meaning of the French word "étrier" is "shackle" in the 3<sup>rd</sup> sense that gives the Merriam-Webster's collegiate® dictionary (deluxe audio edition on CD-ROM) to this English word. That comes from the fact that a "shackle" resembles a "stirrup". But a "shackle" is just for mere mechanical purposes, which is the context of the present application. But instead of "shackle", "clevis" might as well be used. The American Heritage® Talking Dictionary™ (on CD-ROM) gives to "clevis" as only sense the 3<sup>rd</sup> sense that the Merriam-Webster's collegiate® dictionary (deluxe audio edition on CD-Rom) gives to "shackle". If the Examiner thinks that "clevis" would be more appropriate than "shackle" to translate into English American language the French word "étrier" in its mechanical context, applicant thanks him in advance for any constructive suggestion pursuant to M.P.E.P. §707.07 (j). The English word "stirrup" has been replaced by "cradle-stirrup" in an intermediate substitute specification simply because it was thought at one moment that "cradle-stirrup" might be a better translation for the French word "étrier".

What supports lines 17-20 of page 13 of the marked-up copy of the proposed substitute specification is identical to what supports the last four lines of page 9 and the first four lines of page 10 of the same specification (please refer to the 3<sup>rd</sup> subsection of the present section).

The original disclosure supporting "[P]ulling the tail" line 31 of page 13 in the marked-up copy of the proposed substitute specification can be found in the original specification page 25, line 9-12. According to the American Heritage® Talking Dictionary™, "tail" is the rear portion of something. It seems that "tail" advantageously condenses the awkward phrase "[the] opposite part from the backs of said arm 2 on the other side of objects 8-9 across said support part 1" in a single

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word. If the Examiner thinks that another word than "tail" would be more appropriate to condense this phrase, applicant thanks him in advance for any constructive suggestion pursuant to M.P.E.P. §707.07 (j). On Fig. 4, the tail of movable parts 2 is the entire portion of said parts, which is located on the left-hand side of said support part 1.

#### 4. OA issues #6 to 8

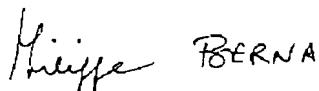
The original disclosure supporting claims 16-18 and specifically "[T]he force exerted by fingers or hand-palms...", "stopping the exertion...when hands feel enough resistance" or "[S]aid at least one movable arm is then repulsed by said object" can be found in the original specification from page 24, line 18 to page 25, line 2 and also in part page 7, lines 23-31.

Claim 16 has been rewritten according to the request of the Examiner (clean and marked-up versions) to avoid any risk of confusion in reading it.

#### 5. Conclusion

Every ground of disapproval or rejection has been responded to in accordance with 37 CFR 1.111 and only amendments complying with 37 CFR 1.116 (a) are submitted. Therefore favorable reconsideration, entering of the drawings and the substitute specification such as submitted on 01/10/01, entering of the proposed amendments of the present paper and allowance of claims 16-18 are petitioned with deference.

Very Respectfully submitted.

 Philippe Berna

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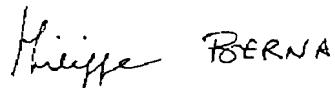
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#### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper of seven pages including this one is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Philippe Berna

 Philippe Berna

05/16/01

Signature

Date